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9 **IN THE UNITED STATES DISTRICT COURT**
 10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 11 **SAN JOSE DIVISION**

13 BEVERLY LEVINE, PHILLIP HALL, ERIN
 14 HILLMAN, THEODORE SPRADLEY; individuals,
 15 on behalf of themselves and others similarly
 situated,

16 Plaintiffs,

17 v.

18 GOOGLE INC., a Delaware Corporation,

19 Defendant.

CASE No. 11-cv-02157 JSW

STIPULATION AND [PROPOSED]
ORDER

20 JULIANN KING, individually and on behalf of a
 21 class of similarly situated individuals,

22 Plaintiff, v.

23 GOOGLE INC., et al.

24 Defendant.

Case No. 11-cv-02167-PSG

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[PROPOSED] STIPULATION AND ORDER

MARITSA URIAS and STAN HINES, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Case No. 11-cv-02230-JF

TRACEY LIPTON, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

GOOGLE INC,

Defendant.

Case No. 11-cv-02427-HRL

Subject to the Court's review and approval, IT IS HEREBY STIPULATED AND
AGREED AND ORDERED as follows:

WHEREAS, the actions *Levine et al., v. Google Inc.*, Case No. 11-cv-02157 JSW, *King v. Google Inc.*, Case No. 11-cv-02167-PSG; *Urias, et al., v. Google Inc.*, Case No. 11-cv-02230-JF, and *Lipton v. Google Inc.*, Case No. 11-cv-02427-HRL are pending in the Northern District of California (collectively, the "Actions");

WHEREAS, on May 24, 2011, Defendant Google Inc. ("Google") filed an
Administrative Motion to Consider Whether to Relate Cases ("Related Case Motion");

WHEREAS, the undersigned parties agree that the Actions are related, and therefore no
plaintiff in any of the Actions filed an opposition to Google's Related Case Motion;

WHEREAS, the undersigned parties agree that the Actions should be consolidated for all
purposes and proceed as contemplated herein;

WHEREAS, the undersigned parties that have appeared, through their respective counsel,
have stipulated to the terms provided herein;

WHEREAS, on May 24, 2011, Google filed with the Judicial Panel for Multi-District
Litigation ("JPML") a Motion to Transfer Actions to the United States District Court for the

Northern District of California pursuant to 28 U.S.C. §1407 for Coordinated or Consolidated Pretrial Proceedings in MDL Docket No. 2264 (“Google’s Motion to Transfer”) to transfer to this Court all similar cases pending in other jurisdictions for consolidated pretrial proceedings along with the Actions;

WHEREAS, Plaintiffs’ counsel anticipate supporting MDL consolidation and transfer to this District;

WHEREAS, it is anticipated that additional related actions may be transferred to, removed to, or filed in this Court; and,

WHEREAS, the interests of fair and efficient administration of the Actions, the avoidance of unnecessary duplicative efforts and the avoidance of inconsistency in outcomes, warrants the consolidation of the Actions, entry of certain pretrial orders and the interim appointment of liaison counsel, and good cause appearing therefore:

IT IS HEREBY ORDERED AS FOLLOWS:

I. RELATION, CONSOLIDATION AND TREATMENT OF SUBSEQUENT ACTIONS

1. The Court finds that *Levine, et al., v. Google Inc.*, Case No. 11-cv-02157 JSW, *King v. Google Inc.*, Case No. 11-cv-02167 PSG; *Urias, et al., v. Google Inc.*, Case No. 11-cv-02230-JF, and *Lipton v. Google Inc.*, Case No. 11-cv-02427-HRL are related and hereby consolidates each action into *Levine, et al., v. Google Inc.*, Case No. 11-cv-02157 JSW, (referred to herein as the “Consolidated Action”). Each document filed by a party to this litigation shall bear the following caption:

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| <i>In re Google, Inc., Android Consumer Privacy Litigation</i> | Case No. 11-cv-02157 JSW |
|----------------------------------------------------------------|--------------------------|

2. The terms of this Order shall apply to the Consolidated Action and to any and all actions later instituted in, removed to, or transferred to this Court that involve the same or substantially similar issues of law and fact, subject to the following procedures:

1 a. When such a case is filed in, removed to, or transferred to this Court, and
 2 only after counsel call to the attention of the Court and the Clerk the filing or transfer of any such
 3 case that might be properly consolidated with this Consolidated Action, the Clerk of Court shall:

- 4 (1) place a copy of this Order in the separate file for such action; and
 5 (2) make an appropriate entry on the docket for the Consolidated
 6 Action.

7 b. Each new case that arises out of the same or similar subject matter to that
 8 of the Consolidated Action which is filed in or transferred to this Court, shall be consolidated
 9 with the Consolidated Action and this Order shall apply thereto, unless a party in such newly
 10 filed or transferred action objects to consolidation, as provided for herein, or any provision of
 11 this order, within ten (10) days after the date upon which a copy of this Order is served on
 12 counsel for such party, by filing an application for relief and this Court deems it appropriate to
 13 grant such application.

14 3. Counsel shall call to the attention of the Court and the Clerk the filing or transfer
 15 of any case that might properly be consolidated with the Consolidated Action. Mailing or other
 16 delivery of a copy of this Order by Defendants' counsel or Plaintiffs' Interim Class Counsel (see
 17 II. Below), as appropriate, to the counsel in any newly filed or transferred actions shall constitute
 18 valid notice thereof for purposes of establishing its applicability to such action in accordance
 19 herewith.

20 **II. ORGANIZATION OF PLAINTIFFS' COUNSEL AND INTERIM LIAISON** 21 **COUNSEL**

22 1. After the JPML issues its order on Google's Motion to Transfer, Plaintiffs shall
 23 use their best efforts to self-organize and recommend to the Court counsel to serve as Interim
 24 Class Counsel under FRCP 23(g). The recommendation for lead counsel obtained by self-
 25 ordering shall be submitted to the Court within ten (10) days of the issuance by the JPML of its
 26 order transferring all related actions to this Court. Any opposition to the recommendation shall
 27 be filed and served no later than 14 days after the filing of the recommendation with the Court
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1 and any reply shall be filed no later than 7 days after the opposition. In all respects, the filings
2 shall comply with Local Rule 7.1, *et al.*

3 2. During the pendency of Google's Motion to Transfer, the Court hereby appoints
4 William M. Audet, of Audet & Partners, LLP, as "Interim" Liaison Counsel. As Interim Liaison
5 Counsel, Attorney Audet shall have the following duties:

- 6 a. To coordinate all proceedings, including preparing, structuring, and
7 presenting pretrial and other management related orders;
- 8 b. To encourage full cooperation and efficiency among all counsel;
- 9 c. To act as spokesperson for Plaintiffs;
- 10 d. To perform such other duties as are necessary in connection with the
11 prosecution of this litigation.

12 3. Interim Liaison Counsel shall be the contact between Plaintiffs' counsel and
13 Defendant's counsel as well as the spokesperson for Plaintiffs' counsel. All agreements reached
14 with the Interim Class Counsel shall be binding on all other Plaintiffs' counsel in the
15 Consolidated Action.

16 **III. FILING OF PLEADINGS AND DISCOVERY**

17 1. No defendant shall have an obligation to answer or otherwise respond to any
18 complaint in any of the Consolidated Actions until after the JPML issues its order on Google's
19 Motion to Transfer, plaintiffs have prepared and submitted to the Court for filing a consolidated
20 Complaint, and the parties have agreed upon and the Court has endorsed a schedule for
21 defendants' responses to the consolidated Complaint.

22 2. The parties' discovery and disclosure obligations under the Federal Rules of Civil
23 Procedure shall be suspended until after the JPML issues its order on Google's Motion to
24 Transfer and the parties have agreed upon and the Court has endorsed a joint case management
25 order with proposed deadlines for compliance.

26 **IV. STATUS CONFERENCE**

27 Any Case Management Conferences previously set by Court shall be vacated.
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Pursuant to stipulation and for good cause shown IT IS SO ORDERED.

Dated: _____

Honorable Jeffrey White